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Security Council

Sixty-fifth year

Provisional

6398th meeting

Thursday, 14 October 2010, 10.45 a.m.

New York

President:	Mr. Rugunda	(Uganda)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Du Xiaocong
	France	Mr. Briens
	Gabon	Mr. Issoze-Ngondet
	Japan	Mr. Kodama
	Lebanon	Mr. Salam
	Mexico	Mr. Heller
	Nigeria	Mrs. Ogwu
	Russian Federation	Mr. Pankin
	Turkey	Mr. Çorman
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

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The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

The President: I should like to inform the Council that I have received a letter from the representative of Nepal, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Lynn Pascoe, to whom I give the floor.

Mr. Pascoe: In resolution 1939 (2010), the Security Council requested the present report, following discussions between the United Nations and the caretaker Government of Nepal and the political parties. I visited Nepal on 6 and 7 October 2010 on the Secretary-General's behalf and held extensive consultations to obtain a first-hand understanding of the state of the peace process, and more specifically of the implementation of the four-point agreement of 13 September between the Government of Nepal and the Unified Communist Party of Nepal-Maoist (UCPN-M).

Some important steps have been taken, and efforts continue towards achieving the objectives that the Government and the UCPN-M have set for themselves, but the political impasse remains. No breakthrough has been achieved. It is too early to conclude that the parties are on a course that would see the 13 September agreement implemented by 15 January 2011.

I should like to step back very briefly and put the current state of affairs in Nepal into perspective. Nepal is undergoing a process of significant political and social transformation and consolidation of its democracy. As the Secretary-General has reported to the Council on numerous occasions, Nepal has made remarkable strides in this journey. In a span of only a few years, it has successfully ended the decade-long insurgency through a series of agreements, culminating in the Comprehensive Peace Agreement of November 2006. It held a successful election for the Constituent Assembly in 2008, declared itself a republic and a secular State, and embarked on far-reaching political, social and economic reforms.

Like many grand compromises of this scale, the implementation of the Comprehensive Peace Agreement and the constitution-making process have encountered serious difficulties along the way. Over time, the unity of the parties, both internally and in working together, has frayed and been eroded by differences of ideology and perspective and the challenges of balancing the rules of competitive democratic politics with the need to share power and maintain a modicum of political consensus. There are important commitments that have not been completed, chief among them the adoption of a new constitution and addressing the future of the two armies. If the parties fail to manage their differences in order to complete this common agenda, it is they and the people of Nepal who stand to lose.

The Council established the United Nations Mission in Nepal (UNMIN) on 23 January 2007, with a one-year mandate. It was conceived as "a focused mission of limited duration", in the words of the Secretary-General. It was tasked with helping Nepal to hold a successful election to the Constituent Assembly by monitoring the arms and armies of the Government and Maoist sides, providing technical assistance to the

Election Commission and assisting in the monitoring of the ceasefire code of conduct. UNMIN largely accomplished these tasks. The election for the Constituent Assembly was held in a largely peaceful manner and the outcome accepted by all sides. However, the parties requested the continued presence and support of the Mission, given in particular the lack of progress on the integration and rehabilitation of Maoist army personnel.

The debate on integration and rehabilitation, a fundamental task of the process, has been marked by disagreements on the number of Maoist army personnel to be integrated into the security forces and the modalities for their integration. At the same time, the political climate has turned negative and the degree of mistrust among the parties has sown the seeds of the political stalemate that has persisted for well over a year and a half now.

UNMIN's presence has been extended seven times, at the request of the parties, without any adjustment in its mandate that might have enabled the Mission to deliver more effective support to resolve the ongoing disputes. Each extension request was accompanied by renewed, and ultimately unfulfilled, commitments by the parties and the Government to expeditiously complete the outstanding tasks.

Of course, it has not worked out that way. While UNMIN's continued monitoring and its presence are widely recognized and appreciated as important factors of stability, the Mission has found itself subjected to controversies stemming from the deterioration in the political climate, misrepresentations of its mandate and the ensuing mismatch between the parties' high expectations and the reality of UNMIN's limited responsibilities. As the Secretary-General stated in his last report to the Council (S/2010/453), of 2 September 2010, we are not in favour of repeated extensions of the Mission's mandate in a climate that undermines its ability to function effectively. The Council's decision to extend the mandate for a final period of four months, as requested by the Government of Nepal, was born out of these considerations and predicated on the agreement signed by the Government of Nepal and the UCPN-M to basically complete the remaining tasks of the peace process by 14 January 2011.

The 13 September agreement between the Government and the UCPN-M, in addition to requesting the extension of UNMIN's mandate by four months, commits the Government and the Maoists to move towards what is termed "the logical conclusion of the peace process" in three areas. Allow me to provide an update from the visit on those.

First, the parties agreed to reach consensus and to give final shape to and implement the documents prepared in the Special Committee on integration and rehabilitation. On this, all my interlocutors pointed to the reactivation of the Special Committee, which, until recently, had been meeting only infrequently and irregularly. The Special Committee has now taken a number of procedural decisions, but it has yet to achieve progress on the core issues. It is evident that the Committee will be able to discharge its responsibilities effectively only when political leaders agree on the essential decisions that have to be made regarding the integration of Maoist army personnel into the security forces, notably on the numbers and the modalities.

Secondly, under the agreement the parties also committed themselves to bringing the Maoist combatants under the Special Committee. It was agreed that combatants' complete data would be provided to the Special Committee without delay. Accordingly, and at the request of the Special Committee, UNMIN has provided the Ministry of Peace and Reconstruction with the data on verified Maoist army personnel that was collected in the 2007 registration and verification exercise.

One important step taken in that context was the formation of a secretariat as the body supporting the Special Committee to implement the supervision, integration and rehabilitation of Maoist army personnel. However, there is as yet no agreement on a "convenor" for this body, negotiations on which continue at the political level. The secretariat is thus far focused on the conceptual and operational planning of bringing the cantonments under the Special Committee's effective supervision. Clearly, this work can be useful only if the essential political decisions on integration and rehabilitation are made, and made soon, by Nepal's political leaders.

I advised the parties to give priority to carrying out the integration and rehabilitation of combatants, which would permit the closure of the cantonments, rather than focusing on building an elaborate and expensive supervision and monitoring system to take over responsibilities from UNMIN. The latter course

does not solve the problem and raises many challenges from the political, financial and logistical perspective.

The Special Committee's secretariat is developing a methodology for a survey that would provide information on the preferences of combatants with regard to integration and rehabilitation and lay the ground for later work on both processes. The parties' current thinking envisages three broad avenues for Maoist army personnel to choose: integration into the security forces, rehabilitation to civilian life through vocational training and support packages, and "voluntary exit" involving a cash payment.

On a parallel issue under the Comprehensive Peace Agreement — namely, the democratization of the Nepal Army — I was briefed by the Defence Minister on the broad content of a proposal that has been submitted by the Ministry to the Cabinet. It is important that work on this issue proceed with the wider consultations required under the Agreement and the interim constitution. I conveyed the United Nations encouragement and the view that progress in this area, as well as in addressing outstanding human rights and accountability issues, are important to Nepal's standing as a significant United Nations peacekeeping contributor. I also underlined that the Maoist army and its leadership share the responsibility to account for human rights violations during and after the conflict, and must fulfil its solemn commitments in that regard.

Thirdly, the parties also recommitted themselves to taking up the remaining tasks of the peace process from 17 September, and basically completing them by 14 January 2011. Apart from the integration and rehabilitation of former combatants, two areas are significant in this regard: constitution-drafting and power-sharing, to which all outstanding peace process tasks have now been linked. A package deal on essential aspects of all three areas was raised by many political leaders as the right approach to ending the current stalemate.

Many of my interlocutors pointed to power-sharing as the most immediate issue of concern and argued that a solution could generate meaningful progress across all contentious areas. Three months after the resignation of Prime Minister Nepal, the country is still led by a caretaker Government. Twelve rounds of voting in the legislature-parliament to elect a new Prime Minister have not produced a winner.

The constitution-making process has similarly stalled, but most of my interlocutors said differences on the nature and shape of the new constitution were surmountable and could be bridged once the political climate improved. The Speaker of the Constituent Assembly has initiated discussions on a renewed effort on the constitution that focuses on some 200 areas of disagreement. A meeting of the 27 political parties of the Constituent Assembly on 11 October established a seven-member task force headed by former Prime Minister and UCPN-M Chairman Pushpa Kamal Dahal "Prachanda" and comprising senior political leaders and lawmakers, which will seek to address differences. Its report is due on 24 October.

The prolonged political stalemate in Nepal, most vividly symbolized by the continuing failure to elect a new Prime Minister, is compounded by persistent internal divisions within the main political parties, personal interests and calculations, and regional factors. Yet dialogue continues across Nepal's political fault lines, and many of the leaders I spoke to in Kathmandu expressed to me their hopes that there could be a political breakthrough in early November, after the end of the current holiday period in Nepal. We also believe this is possible if the parties exhibit the necessary flexibility and will. Progress on forming a consensus Government or on substantive issues related to integration and rehabilitation could provide the critical momentum for a breakthrough.

In my discussions with Nepal's political leaders, I was very firm on the Security Council's clear decision in resolution 1939 (2010) that UNMIN will leave Nepal after 15 January 2011. This means that the Mission's arms monitoring and other substantive functions will cease on that date, and that any UNMIN staff in Nepal after that date will be there to liquidate the Mission. I urged all concerned to use the time remaining to complete the outstanding tasks. I underlined that UNMIN's departure should not be abrupt or disruptive to the peace process; nor should it create an unhelpful vacuum in their political transition. I conveyed UNMIN's readiness to work with all sides, within its mandate, to ensure a seamless transition.

I also tried to allay concerns, raised frequently across the political spectrum in Nepal, that, with UNMIN's withdrawal, the United Nations might be abandoning Nepal and its peace process. I made it very clear that, while UNMIN was leaving, the United Nations would remain very much engaged. Our efforts

will be available through the country team and from New York to support Nepal's Government and its people after UNMIN's withdrawal.

The challenge for all of us in the international community is to make it clear to all the political actors that the status quo is not tenable. We should emphasize our support for their good-faith efforts and willingness to compromise. Nepal's friends and neighbours should be ready to facilitate solutions and assist in implementation of agreements, including the integration and rehabilitation of former combatants, the constitutional process and future elections, as well as the consolidation of the country's democratic institutions.

In conclusion, there is no doubt that the 15 January deadline for UNMIN's withdrawal has created a new sense of urgency among the parties in Nepal, and more focused thinking on how to end the prolonged stasis is taking place. I welcome the recent positive developments that I have just described. Let me reiterate that, important as they are, they are no substitute for the political decisions that are yet to be taken and the compromises that need to be made by Nepal's political leaders. It is still possible for the parties to meet their targets in time, but, as I stressed to all of those I met during my visit, that will require translating this new-found sense of urgency into decision-making and concrete action. The sooner these decisions are taken, the better.

UNMIN's priority will continue to be working with the parties to ensure a smooth handover and withdrawal. We will continue to follow developments there closely, and I would be prepared, as appropriate, to return to Nepal before year's end to provide the Council with another update on developments should the Council deem it useful.

The President: I thank Mr. Pascoe for his briefing.

There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.05 a.m.